



WILLIAM T FUJIOKA  
Chief Executive Officer

County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
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*"To Enrich Lives Through Effective And Caring Service"*

Board of Supervisors  
GLORIA MOLINA  
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Fifth District

November 19, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

32 November 19, 2013

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**DEPARTMENT OF PUBLIC WORKS:  
PARKS BUREAU EAST MODULAR  
BUILDING REPLACEMENT PROJECT  
FRANK G. BONELLI REGIONAL PARK  
AWARD CONSTRUCTION CONTRACT  
SPECS. 7170; CAPITAL PROJECT NO. 77296  
(FIFTH DISTRICT)  
(3 VOTES)**

**SUBJECT**

The recommended action will award and authorize the Director of Public Works, or her designee, to execute a construction contract for the Parks Bureau East Modular Building Replacement Project in the City of San Dimas.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find that Micon Construction, Inc., is the apparent Lowest Responsive and Responsible Bidder for construction of the site work and utilities connections for the Parks Bureau East Modular Building Replacement Project; and award a construction contract for \$391,437 subject to timely submittal to the County of a satisfactory baseline construction schedule, acceptable Faithful Performance and Payment for Labor and Material Bonds, and evidence of required contractor insurance.
2. Delegate to the Director of Public Works, or her designee, the authority to determine, in accordance with the applicable contract and bid specifications, whether the contractor has satisfied the conditions for contract award; subject to such determination, authorize the Director of Public Works, or her designee, to execute the construction contract, in the form previously approved as to form by County Counsel, with Micon Construction, Inc.; and to establish the effective date of the

construction contract.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Approval of the recommended actions will allow the Director of Public Works, or her designee, to proceed with construction of the site work and utilities connections for the Parks Bureau East Modular Building Replacement Project (Bonelli Project). The Bonelli Project is located at 120 East Via Verde Drive in the City of San Dimas, within the Frank G. Bonelli Regional Park. The Bonelli Project includes a new 2,400-square-foot modular building and pertinent site work that includes grading and utility connections.

On June 26, 2012, the Board established the capital project, found the Bonelli Project categorically exempt from the California Environmental Quality Act (CEQA), and authorized the Director of Public Works, or her designee, to proceed with design. The Board also authorized the Internal Services Department in its capacity as the County's Purchasing Agent to proceed with the acquisition of a new modular building for the Bonelli Project at an estimated cost of \$300,000.

On August 6, 2013, the Board adopted plans and specifications for the construction of site work and utility connections for the Bonelli Project, and instructed the Executive Officer of the Board of Supervisors to advertise for bids. The Board also authorized the Director of Public Works, or her designee, to execute a consultant services agreement with the apparent Lowest Responsive and Responsible Bidder to prepare a baseline construction schedule, and the authority to determine if bids were nonresponsive and to reject bids on such basis.

On September 4, 2013, 10 bids were received and Micon Construction, Inc., (Micon) was determined to be the apparent Lowest Responsive and Responsible Bidder with a base bid of \$393,636.70. Micon was the second lowest bidder. The apparent low bidder, MDE Group, Inc., was deemed nonresponsive, as they failed to comply with the bidding requirements for the Bonelli Project. As authorized by the Board on August 9, 2013, a consultant services agreement was executed with Micon for the preparation of a baseline construction schedule for a \$2,200 not-to-exceed fee. This amount will be subtracted from Micon's lump sum bid as described in the Instructions to Bidders. A summary of the bid results is included in Attachment B.

### **Green Building/Sustainable Design Program**

The Bonelli Project supports the Board's Green Building/Sustainable Design Program by using energy-efficient light fixtures with light sensor controls and photocells for outdoor lighting. There will be savings due to a reduction in electricity as a result of the sustainable building elements included in the design. The Bonelli Project will also use water-efficient fixtures in the restrooms. This will result in a reduction in the amount of potable water used.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by maximizing the effectiveness of process, structure, and operations to support timely delivery of customer-oriented and efficient public service.

### **FISCAL IMPACT/FINANCING**

On June 26, 2012, the Board approved a project budget of \$1,398,000, which includes construction,

change orders, Civic Art, plans and specifications, jurisdictional approvals, consultant services, miscellaneous expenditures, and County services. The total Bonelli Project cost remains at \$1,398,000. Public Works' fair construction cost estimate for the construction of the site work and utility connections for the Bonelli Project was \$410,000. Micon's bid of \$393,636.70 is within the previously approved budget.

There are currently sufficient funds in Capital Project No. 77296 to fully fund the Bonelli Project.

The Project Schedule and Budget Summary are included in Attachment A.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract will contain terms and conditions supporting the Board's ordinances and policies, including, but not limited to: County Code Chapter 2.200, Child Support Compliance Program; County Code Chapter 2.202, Contractor Responsibility and Debarment; County Code Chapter 2.203, Contractor Employee Jury Service Program; County Code Chapter 2.206, Defaulted Property Tax Reduction Program; Board Policy 5.050, County's Greater Avenues for Independence (GAIN) and General Relief Opportunities (GROW) Programs; Board Policy 5.060, Reporting of Improper Solicitations; Board Policy 5.110, Contract Language to Assist in Placement of Displaced County Workers; and Board Policy 5.135, Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law).

Applicable law, including the State Public Contract Code, requires the County to award construction contracts to the apparent Lowest Responsive and Responsible Bidder, which refers to the firm that: (1) submits the lowest-cost bid; (2) is deemed by the County to be "responsive" to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a "responsible" bidder by exhibiting the quality, fitness, capacity, experience, and trustworthiness to satisfactorily perform the work required under the bid solicitation.

As part of the contract award to the apparent Lowest Responsive and Responsible Bidder, Micon was required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractors State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy 5.140, the information reported by the contractor was considered before making a recommendation to award.

As required by the Board, the Bonelli Project cost includes 1 percent of the estimated design and construction costs to be allocated to the Civic Art Special Fund per the Board's Civic Art Policy adopted on December 7, 2004, and revised on December 15, 2009.

### **ENVIRONMENTAL DOCUMENTATION**

On June 26, 2012, the Board found the Bonelli Project categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines, Section 15301(a), (d), (e), (f), and (l); Section 15302(b); and Section 15303(c); and (d) and (e) of the CEQA Guidelines and Class 1 and 4 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. A Notice of Exemption was filed with the Registrar Recorder/County Clerk on July 3, 2012.

## **CONTRACTING PROCESS**

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contract.

On August 6, 2013, the Board adopted plans and specifications for the Bonelli Project and instructed the Executive Officer of the Board of Supervisors to advertise for construction bids. On September 4, 2013, the Department of Public Works received 10 bids, and Micon was found to be the apparent Lowest Responsive and Responsible Bidder, after another bidder was found to be nonresponsive. As authorized by the Board on August 6, 2013, a consultant services agreement for the preparation of a baseline construction schedule was executed with Micon.

As required by the Board, language has been incorporated into the project's specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees that they may be eligible for the Federal Earned Income Credit under the Federal Income Tax Law (Federal Income Tax Law, Internal Revenue Service Notice 1015).

As required by the Board on February 3, 1998, this contract opportunity was listed on the "Doing Business with Us" website.

The contract requires the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

Micon's Community Business Enterprises participation data and three-year contracting history with the County are on file with Public Works.

## **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current County services or projects during the performance of the recommended services.

## **CONCLUSION**

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division; Sheriff's Department; and the Department of Public Works, Project Management Division II.

The Honorable Board of Supervisors

11/19/2013

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fujioka', with a long horizontal line extending to the right.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:SHK:DJT

TJ:MJD:zu

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Arts Commission  
Auditor-Controller  
Public Works  
Sheriff

November 19, 2013

**ATTACHMENT A**

**DEPARTMENT OF PUBLIC WORKS:  
PARKS BUREAU EAST MODULAR  
BUILDING REPLACEMENT PROJECT  
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SPECS. 7170; CAPITAL PROJECT NO. 77296  
(FIFTH DISTRICT) (3 VOTES)**

**I. PROJECT SCHEDULE**

<b>Project Activity</b>	<b>Scheduled Completion Date</b>	<b>Revised Completion Date</b>
Project Feasibility	11/24/10*	N/A
Design Construction Documents Jurisdictional Approvals	12/19/12* 05/01/13*	N/A N/A
Construction Bid and Award	11/27/13	12/23/13
Construction Substantial Completion Project Acceptance	07/07/14 09/15/14	09/15/14 11/05/14

\*Indicates completed activity.

## I. PROJECT BUDGET SUMMARY

Budget Category	Project Budget	Impact of this Action	Revised Project Budget
Construction			
Modular Building (Internal Services Department Purchase Order)	\$ 300,000	\$ 0	\$ 300,000
Site Work	\$ 410,000	(\$ 16,000)	\$ 394,000
Change Orders (10 percent)	\$ 71,000	\$ 0	\$ 71,000
Telecommunications	\$ 10,000	\$ 0	\$ 10,000
Furniture, Fixtures, and Equipment	\$ 47,000	\$ 13,000	\$ 60,000
Civic Art	\$ 8,000	\$ 0	\$ 8,000
Subtotal	\$ 846,000	(\$ 3,000)	\$ 843,000
Programming/Development	\$ 0	\$ 0	\$ 0
Plans and Specifications	\$ 100,000	\$ 15,000	\$ 115,000
Consultant Services			
Deputy Inspection (Geotechnical)	\$ 15,000	(\$ 1,000)	\$ 14,000
Geotech/Soils Test	\$ 10,000	(\$ 1,000)	\$ 9,000
Material Testing	\$ 10,000	(\$ 1,000)	\$ 9,000
Cost Estimating	\$ 5,000	(\$ 1,000)	\$ 4,000
Scheduling	\$ 5,000	(\$ 1,000)	\$ 4,000
Subtotal	\$ 45,000	(\$ 5,000)	\$ 40,000
Miscellaneous Expenditures			
Printing	\$ 3,000	\$ 0	\$ 3,000
Subtotal	\$ 3,000	\$ 0	\$ 3,000
Jurisdictional Review/Plan Check/Permit Code Compliance Inspection	\$ 11,000	\$ 0	\$ 11,000
County Services			
Code Compliance and Quality Control Inspections	\$ 63,000	(\$ 3,000)	\$ 60,000
Contract Administration	\$ 37,000	\$ 0	\$ 37,000
Project Management	\$ 232,000	(\$ 2,000)	\$ 230,000
Secretarial	\$ 13,000	(\$ 1,000)	\$ 12,000
Document Control	\$ 17,000	(\$ 1,000)	\$ 16,000
Project Technical Support	\$ 17,000	\$ 0	\$ 17,000
Consultant Contract Recovery	\$ 4,000	\$ 0	\$ 4,000
Office of Countywide Contract Compliance	\$ 10,000	\$ 0	\$ 10,000
Subtotal	\$ 393,000	(\$ 7,000)	\$ 386,000
<b>Total</b>	<b>\$ 1,398,000</b>	<b>\$ 0</b>	<b>\$ 1,398,000</b>

November 19, 2013

**ATTACHMENT B**

**DEPARTMENT OF PUBLIC WORKS:  
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(FIFTH DISTRICT) (3 VOTES)**

The proposed project, located at 120 East Via Verde Drive in the City of San Dimas, within the Frank G. Bonelli Regional Park, is a new 2,400-square-foot modular building. The project scope also includes the implementation of pertinent site work that includes grading and utility connections.

**Bid Opening Date:** September 4, 2013

**Bid Summary:** Please see attached table.

**Financial Information:**

Public Works' fair construction cost estimate for the base bid (not including additive alternates) was \$410,000.

The proposed contract to be issued to Micon Construction, Inc., upon timely submitting to the County a satisfactory baseline construction schedule, acceptable Faithful Performance and Payment for Labor and Material Bonds, and evidence of required contractor insurance is for \$396,000.





**BID OPENING**  
**Parks Bureau East Modular Building Replacement Project**  
**Specs. No. 7170**  
**09/4/2013 @ 1:45 PM**

Estimate: **\$410,000.00**

**OFFICIAL RESULTS**

**Lowest Bid \$393,636.70**  
**SBE Deduction 5% of Lowest Bid \$19,681.84**

NO.	CONTRACTOR	BASE BID	DAILY OVERHEAD RATE	MULTIPLY BY 30 DAYS	LUMP SUM TOTAL	SMALL BUSINESS PREFERENCE	FINAL BID RESULT
1	MDE Group, Inc.**	\$396,000.00	\$135.00	\$4,050.00	\$400,050.00	n	\$400,050.00
2	Micon Construction, Inc.	\$393,636.70	\$600.00	\$18,000.00	\$411,636.70	n	\$411,636.70
3	Zone 26 Construction, Inc.*	\$407,950.00	\$400.00	\$12,000.00	\$419,950.00	n	\$419,950.00
4	Y & M Construction, Inc.	\$405,936.00	\$480.00	\$14,400.00	\$420,336.00	n	\$420,336.00
5	Oceanstate Development, Inc.	\$458,960.00	\$50.00	\$1,500.00	\$460,460.00	y	\$440,778.17
6	Orian Construction and Roofing	\$444,444.00	\$1,700.00	\$51,000.00	\$495,444.00	y	\$475,762.17
7	Broughton Construction, Inc.	\$499,661.00	\$275.00	\$8,250.00	\$507,911.00	n	\$507,911.00
8	Jergensen Construction	\$515,800.00	\$578.00	\$17,340.00	\$533,140.00	n	\$533,140.00
9	Fast-Track Construction Corp	\$569,000.00	\$0.00	\$0.00	\$569,000.00	y	\$549,318.17
10	PCN3, Inc.	\$636,170.00	\$1,225.00	\$36,750.00	\$672,920.00	y	\$653,238.17

\*\* Bidder was determined to be nonresponsive to the bidding requirements for this project

\* Claimed SBE Preference, but was not certified by the County at the time of bid.